



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 22]

नई दिल्ली, शनिवार, जून 28, 1997/आषाढ़ 7, 1919

No. 22]

NEW DELHI, SATURDAY, JUNE 28, 1997/ASADHA 7, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र-प्रशासनों को छोड़कर) द्वारा जारी किये गये आदेश और अधिसूचनाएं  
Orders and Notifications issued by Central Authorities (other than the Administrations of Union  
Territories)

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

नई दिल्ली, 15 मई, 1997

New Delhi, the 15th May, 1997

आ.अ. 117—निर्वाचन आयोग, 3-कुलाबा संसदीय  
निर्वाचन क्षेत्र के लोक सभा के लिए श्री अब्दुल रहमान गफूर के  
निर्वाचन का पक्षीय भी वाले श्री अनन्त वामन तारे द्वारा  
दाखिल की गई 1996 का निर्वाचन अर्जी संख्या 1 में मुम्बई  
स्थित उच्च न्यायालय, मुम्बई के तारीख 17 और 22  
अक्टूबर, 1996 के निर्णय को लोक प्रतिनिधित्व अधिनियम,  
1951 (1951 का 43) की धारा 106 के अनुसरण  
में इसके द्वारा प्रकाशित करता है।

(निम्न अधिसूचना के अंग्रेजी भाग में छपा है)

[सं. 82/महा.-लो स./1/96]

आदेश से,  
बाबू राम, सचिव

O.N. 117.—In pursuance of Section 106 of  
the Representation of the People Act, 1951  
(43 of 1951), the Election Commission here-  
by publishes the judgement dated 17th & 22nd  
October, 1996 of the High Court of judicature  
at Mumbai in Election Petition No. 1 of 1956  
by Shri Anant Vaman Tare challeng-  
ing the election of Shri Abdul Rehman  
Gafur to the Lok Sabha from 3-Kulaba Parlia-  
mentary Constituency.

IN THE HIGH COURT OF JUDICATURE  
AT BOMBAY  
ORDINARY ORIGINAL CIVIL  
JURISDICTION  
CHAMBER SUMMON NO 880 OF 1996  
IN  
ELECTION PETITION NO. 1 OF 1996

Shri Anant Waman Tare,  
Adult, Indian Inhabitant  
Residing at 3/4, Bhagyaxmi,  
Building, shrirang Society,  
Thane, District-Thane. .. Petitioner

Versus

1. Ehri Abdul Rehman Abdul Gaffur  
Antulay, Adult, Indian  
Inhabitant, residing at and post  
Amber, Taluka Mhasale,  
District—Raigad.
2. Shri Raghunath Rathod,  
Returning Officer,  
3. Kulaba Parliamentary  
Constituency,  
District Raigad, having his  
office at Collector's Office,  
District-Raigad. .. Respondents.
- Mr. V. R. Manohar with Mr. R. S. Desai  
with Mr. Vishwajeet Sawant i/b M/s.  
Desai & Diwanji for Respondent No.  
1 in support.
- Mr. J. B. Chinai with Mr. B. D. Joshi  
for the Petitioner to show cause.

CORAM : K. S. SHAH, J.

Dated : 17th & 22nd October, 1996

ORAL JUDGMENT :

1. This Chamber Summons has been taken out by the Respondent in the Main Election Petition viz. Returned Candidate who has been declared elected as a Member of the Parliament from Constituency No. 3 Kulaba, Parliamentary Constituency, District - Raigad. The election petitioner has challenged the election of the respondent on the grounds contemplated by Section 100(d) (iii) and (iv) of the Representation of the People Acts, 1951 (for short "the Act").

2. On the Election Petition being filed, summons was ordered to be served to the Respondent, and was accordingly served. Along with the summons, a copy of the election petition has been served to the respondent. The respondent by this chamber summons prays for the rejection of the Election Petition, contending that the copy of the Election Petition, which has been served to him, is not a true copy of the original election petition, and therefore, there is infringement of Section 81(3) of the Act, the consequences of which should be the rejection of the Election Petition under Section 86(1) of the Act.

3. It was not in dispute before the court that, in the petition, the election petitioner has not alleged any corrupt practice, within the meaning of that expression, as used in Section 123 of the Act, against the Respondent or his Election Agent or any other person, who acted with the consent of the Respondent or his Election Agent. Mr. Manohar, the learned counsel for the Respondent, who argued the Chamber Summon of length, fairly conceded that in view of the aforesaid fact, it was not strictly necessary for the Election Petitioner to have filed, along with the Election Petition, an affidavit contemplated by the proviso appearing at the end of Sub-section 1 of Section 83 of the Act. However, Mr. Manohar very strenuously contended that, as a matter of fact, in the present Election Petition, the Election Petitioner has filed an affidavit, and therefore, even though the Election Petitioner was not required to file such an affidavit, once, such an affidavit had been filed, it would form the integral part of the election petition, and as the copy of that affidavit which has been served to the respondent, along with the copy of the election petition, is not a true copy of the original affidavit, the Petition suffers from the infringement of Section 81(3) of the Act, and is liable to be dismissed under Section 86(1) of the Act. Apart from this, it was also contended on behalf of the Respondent that even otherwise, the copy of the Election Petition, which has been served to the Respondent is not a true copy of the original Election petition, and therefore, also the Election Petitioner is liable to be dismissed under section 86(1) of the act for the infringement of Section 81(3) of the Act.

4. It was also contended by Mr. Manohar, the learned counsel for the Respondent that under Section 83 of the Act, the election Petition is required to contain a concise statement of material facts on which the election petitioner relies. According to Mr. Manohar, therefore, the concise statement of material facts which has been annexed to the election petition would become the integral part of the election petition, and that concise statement is also under clause (c) of Section 83 of the Act, required to be signed by the election petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for verification of the pleadings. In the present case, submitted, Mr. Manohar, the concise statement of material facts, on which the Petitioner relies, has been filed at pages 70 to 75 of the election petition. However, that concise statement, though it purports to have been signed by the election petitioner, has not been verified in the manner laid down in the Code of Civil Procedure, 1908 for verification of the pleadings, and therefore, the copy of the election petition, which has been served to the respondent, and which includes a copy of the concise statement of material facts, is not the copy of the concise statement of material facts which is in conformity with the provisions of Section 83(c) of the Act, and therefore, also the election petition is liable to be rejected in limine.

5. On behalf of the Election Petitioner, the Chamber Summons has been opposed.

6. I have heard the learned counsel for the parties to this Chamber Summons.

7. The election petition proper (without the annexures, etc.) in the present case consists of pages 1 to 20 of the compilation of the Petition. At page 20 of the compilation of the election petition, the election petitioner has verified the election petition as per the requirements of Section 83(c) of the Act. Rule 15 of Order VI of the Code of Civil Procedure, deals with the verification of pleadings, as follows :—

“15. Verification of pleadings.—(1) Save as otherwise provided by any law for the time being in force, every pleading shall be verified at the foot by the party or by one of the parties pleading or by some other person proved to the satisfaction of the

Court to be acquainted with the facts of the case.

(2) The persons verifying shall specify, by reference to the numbered paragraphs of the pleading, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(3) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.”

8. To the aforesaid Rule 15 by way of Bombay High Court Amendment, at the end of sub-rule (1), the following proviso has been added with effect from October 1, 1983 :

“Provided that in respect of pleadings to be filed in the Bombay City Civil Court such verification shall, within the local jurisdiction of the Court, be made before one of the officers of the said Court empowered to administer oath, and elsewhere, before any officer mentioned in 139 Code of Civil Procedure, 1908.”

9. Thus, by sub-rule (1) of Rule 15, pleadings are required to be verified at the foot by the party or by one of the parties pleadings or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case. By virtue of the High Court Amendment, insofar as is relevant, it is further provided that in respect of the pleadings to be filed in any court other than the Bombay City Civil Court, the verification contemplated by sub-rule (1) of Rule 15 is required to be made before any officer mentioned under Section 139 of the Code of Civil Procedure, 1908. Sub-rule (2) of Rule 15 provides that the person verifying shall specify, by reference to the numbered paragraphs of the pleading what he verifies of his own knowledge and what he verifies upon information received and believed to be true. Sub-rule (3) of Rule 15 postulates that the verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

Section 139 of the Code of Civil procedure enumerates the authorities and the officers who may administer the oath to the deponent who

wants to swear an affidavit under the Code of Civil Procedure.

Thus, it becomes clear that by virtue of Section 83 of the Act, an election petition is required to be signed by the election petitioner and verified in the manner laid down in the Code of Civil Procedure for verification of pleadings. Section 83 of the Act also provides that an election petition shall contain a concise statement of material facts on which the Petitioner relies. In the present case, the election petitioner has filed such a concise statement which is to be found at pages 70 to 75 of the compilation of the election petition. At the foot of that concise statement, there appears the signature of the Election Petitioner. It appears that the concise statement was originally signed by the petitioner on June 21, 1996. However, that date has subsequently been changed to June 24, 1996. By the side of the signature of the Petitioner at page 75 of the compilation of the election petition, the following endorsement appears.

"Solemnly affirmed at Mumbai this 24th day of June, 1996")

Below that endorsement, appears the signature of Mr. Joshi, the learned Advocate for the Petitioner. On the right hand side, below that, appears the following endorsement.

"Before me,  
M. R. Bangle.  
24-6-1996.  
Associate,  
High Court, O. S.,  
Bombay".

10. So far as the election petition proper is concerned at page 19 of the compilation of the election petition, appears the signature of the election petitioner and the signature of the learned Advocate Mr. Joshi. On page 20 of the compilation of the election petition, as said above, there is the verification made by the Petitioner as required to be done under Section 83(c) of the Act read with the provisions of Rule 15 of the Order VI of the Code of Civil Procedure. Below that verification, on the side, there is an endorsement which reads as follows:

"Solemnly declared at Mumbai (this 21st day of June, 1996)"

By the side of the endorsement, there appears the signature of the Petitioner. The endorsement and signature are below the verification as referred to above. Below the aforesaid endorsement, there is a signature of Mr. Joshi, the learned Advocate for the Petitioner. Slightly below, on the right hand side of the signature of Mr. Joshi, there is a following endorsement :

"Before me,  
M. R. Bangle.  
21-6-1996.  
Associate,  
O. S. High Court, Bombay".

11. Now, if we compare the verification at the foot of the election petition proper i.e. at page 20 of the compilation of the election petition with what appears at the foot of the concise statement on page 75, we find marked difference, inasmuch as, that, while at page 20, we find the verification as required to be made under Section 83(c) of the Act read with Rule 15 of Order VI of the Code of Civil Procedure, no such verification is to be found at the foot of or below the concise statement of material facts which starts at page 70 and ends at page 75 of the compilation of the election Petition.

12. Based on this essential difference, and the omission of the verification as per the requirements of Section 83(c) of the Act read with Rule 15 of Order VI of the Code of Civil procedure, Mr. Manohar, the learned counsel for Respondent No. 1 submitted that as the concise statement is an integral part of the election petition, it is required to be verified in the manner provided for the verification in pleadings in the Code of Civil procedure. The same, in the present case, has not been verified by the election petitioner, and therefore, the copy thereof which has been served to the Respondent, along with the other papers of the election petition, cannot be said to be a copy of the concise statement which has to be in conformity with Section 83 of the Act, and therefore, the Election Petition is liable to be rejected in limine.

13. It was also the contention of Mr. Manohar that the copy of the election petition served to the respondent is not a true copy of the original election petition which has been filed in the Court, inasmuch as at three places i.e. pages 20, 75 and 77, though, in the original election petition, as now the respondent finds, there is an endorsement purportedly made by the Associate, High Court, O. S. Bombay in token of the Petitioner having signed those pages in her presence, and though those endorsements have also been purported to have been dated by the Associate, O.S., High Court, Bombay, in the copy of the election petition served to the respondent, neither the signature nor the name of the Associate has been mentioned nor has been mentioned the date on which the Associate purported to have made those endorsements. Therefore, submitted Mr. Manohar, the copy of the election petition which has been served to the respondent is not a true copy of the original election petition, and therefore, there is an infringement of Section 83(1) of the Act which would entail the dismissal of the election petition at the threshold under Section 86(1) of the Act.

14. It is seen on a bare perusal of the election petition that on all three pages i.e. 20, 75 and 77, there is an almost identical endorsement which reads as follows :

"Before me,  
M. R. Bangle,  
21-6-96  
Associate,

O.S., High Court, Bombay."

except that at page 75 the date is 24-6-96 instead of 21-6-96.

15. It appears that, as required by the rules, the respondent has been served with two copies of the election petition. One seems to have been served personally through the Court machinery, and the second through the registered post A.D. Both those copies have been produced by the respondent before this Court. One has been produced by him along with his affidavit in support of the Chamber Summons, and the other has been produced along with the affidavit of Mr. I. C. Patel, which has been subsequently filed in the Court. It is not in dispute that these are the copies of the election petition which have been served upon the respondent. It is not also in dispute that these are the copies of the election petition supplied by the election Petitioner for being served to the respondent. Insofar as the omissions, deficiencies and mistakes which are sought to be highlighted by the respondent for requesting that the election petition should be rejected under the provisions of Section 86(1) of the Act, both the copies are identical. I would, therefore, only refer to one of them viz. the one produced by the respondent along with his affidavit in support of the chamber summons. In that copy at page 20, though all other parts have been copied probably by means of a xerox machine, the last endorsement in the original purporting to have been made by the Associate is not the exact copy of that endorsement, so far as the copy of the election petition is concerned. At all relevant pages i.e. pages 20, 75 and 77, the position is identical. It is upon the copy of this endorsement of the Associate that Mr. Manohar, the learned counsel for the Respondent very heavily relied and submitted that so far as the copy of the election petition is concerned, it does not reflect the endorsement purported to have been made by the Associate on the original correctly and exactly, and therefore, there is an infringement of Section 81(3) of the Act. So far as the copy of the election petition is concerned, that endorsement appears at all three relevant places i.e. pages 20, 75, and 77, as follows:

"Before me,

Sd.|-

Associate,

O.S. High Court, Bombay."

16. Mr. Manohar, the learned counsel for the respondent submitted that on all these relevant pages in the copy of the election petition served to the Respondent, we do not find reflection of the signature of the Associate, and we also do not find the date, on which the Associate purported to have made that endorsement in the original, though in the original, the date has been mentioned. Mr. Manohar therefore, argued that the respondent would not be in a position to ascertain whether, as a matter of fact, these endorsements had been signed by the Associate, O.S., High Court, Bombay, and if they were so signed, on what date. According to Mr. Manohar, the respondent would not also be in a position to ascertain whether the person, who purported to sign this endorsement really, was the very person having the authority to administer an oath to the deponent. Therefore, in the submission of Mr. Manohar, not only that the copy of the election petition served to the respondent is not a true copy, but also, the fact that it is not a true copy has misled the respondent or has

caused prejudice to the respondent, and therefore, the doctrine of substantial compliance which is sought to be invoked by the petition can have no application. At pages 76 and 77 of the compilation of the election petition is the affidavit of the petitioner. That affidavit is captioned thus :

"AFFIDAVIT (FORM 25, SEE RULE 94-A)"

Mr. Manohar, the learned counsel for the respondent submitted that though in the present case, it was not strictly necessary for the Petitioner to have filed an affidavit like the one which has been filed at pages 76 and 77 of the compilation of the election petition, for the reason that no corrupt practices within that expression, as used under Section 123 of the Act, has been alleged to have been committed either by the respondent or by his election agent or by any other person with the consent of the respondent or his election agent, however, as a matter of fact, the affidavit has been filed by the Petitioner, and that affidavit is stated to have been filed in the Form 25 read with Rule 94-A of the Rules. Therefore, the same would become the integral part of the election petition, and the Petitioner was required to supply to the respondent a true copy of that affidavit. As the endorsement at the foot of that affidavit in the copy of the election petition is not a complete endorsement the copy of the election petition served to the respondent is not a true copy of the original election petition, and therefore, also the Election Petition should be dismissed under Section 86(1) of the Act.

17. On behalf of the Petitioner, Mr. Chinai, the learned counsel, firstly submitted that when Section 81(3) of the Act speaks of "a true copy" what is required to be supplied by the Petitioner is a copy which is substantially in conformity with the original and it is not necessary that the Petitioner should supply, far being served to the respondent, a copy which is exact like a photocopy of the original. According to Mr. Chinai, in the present case, the copy of the election petition, insofar as the material parts thereof are concerned, has been supplied to the Respondent and that copy is substantially a true copy of the original election petition, and therefore, the grievance now made by the respondent is ill founded. Mr. Chinai submitted that by the omissions in the endorsement of the Associate in the copy of the election petition which are sought to be relied upon by the Respondent, no prejudice has been caused to the respondent nor has the respondent been in any manner misled, and therefore, also the Chamber Summons should fail. It was also submitted by Mr. Chinai so far as the concise statement at pages 70 to 75 of the compilation of the election petition is concerned, that though, there may not be verification at the foot thereof in conformity with Rule 15 of Order VI of the Code of Civil Procedure, as that concise statement forms part of the election petition, and as at the foot of the election petition at page 20, there is a verification made by the Petitioner, the absence of specific verification below the concise statement cannot prove fatal to the election Petition.

18. I have heard the learned counsel for the parties. Several authorities were relied upon by the learned counsel for the Respondent.

19. Mr. Manohar, the learned counsel for the Respondent firstly relied upon the decision in the case of *M. Kamalam V. Dr. V.A. Syed Mohammed*, reported in AIR 1978 Supreme Court, page 840. Relying upon this judgment, Mr. Manohar submitted that an affidavit, which is filed along with the election petition, becomes the integral part of the election petition, and therefore, once such an affidavit is filed, whether it was required to be filed or not, the Petitioner would be under an obligation to furnish for being supplied to the respondent an exact true copy of that affidavit, and if the Petitioner commits default in this respect, as he has done in the present case, the election petition would be liable to be dismissed under Section 86 of the Act for not complying with the requirements of Section 81(3) of the Act. This judgment in *M. Kamalam's* case in clear terms deposits that an affidavit, which is spoken of by the proviso at the end of sub-section 1 of Section 83 of the Act, is an integral part of the election Petition. In the present case, the election petitioner, though he was not technically required to file the affidavit has filed the affidavit. The affidavit is stated to have been filed in conformity with Rule 94-A of the Rules and in Form No. 25. Thus, on the Petitioner's own showing, that is an affidavit which has been filed by him as per the requirements of the proviso appearing at the end of sub-section 1 of Section 83 of the Act. That affidavit therefore stands on the same footing as the other pages of the election petition on which Mr. Manohar relies viz. page 20 which is the last page of the petition proper and page 75 which is the last page of the concise statement.

20. Mr. Manohar, very heavily relied upon the decision in the case of *Dr. (Smt.) Shipra V. Shanti Lal Khoiwal*, reported in AIR 1996 S.C., 1691. That was a case wherein four matters were decided together. The main was the case of *Dr. (Smt.) Shipra* which arose from Rajasthan High Court. The judgment of the learned Single Judge of the Rajasthan High Court from which the matter went to the Supreme Court has been reported in AIR 1995 Rajasthan Page 50. In that case, the election of the Returned Candidate was challenged, inter alia, on the ground of corrupt practice. An affidavit, as required to be filed, under the proviso in Section 83 of the Act was filed. A copy of the election petition along with the copy of the affidavit had been served to the Returned Candidate. Before the High Court, on behalf of the Returned Candidate, inter alia, it was contended that the copy of the election petition served on the respondent along with the summons did not bear the attestation/affirmation part, i.e. an endorsement by the Officer/Oath Commissioner administering the oath/affirmation to the petitioner. The place and date of administering the oath were, also, missing. Omission to supply the endorsement part in the affidavit, which is an essential part of the affidavit, which, in turn, is integral part of the election petition according to the respondent, in that case, constituted the non compliance of Section 81(3) of the Act and rendered the election petition liable to be dismissed under Section 86(1) of the Act. The contention found

favour with the High Court and also with their Lordships of the Honourable Supreme Court. Before the Supreme Court, the matter came before a Three Judge Bench. All three Judges rendered separate but concurring opinions and all the three endorsed and approved the view that was expressed by the learned Single Judge of the Rajasthan High Court.

21. In paragraph 6 of the judgment rendered by the Hon'ble Supreme Court, His Lordship Mr. Justice K. Ramaswamy has posed the question for determination as follows :

"Thus in all the appeals, the only question that arises for consideration is : whether the copy of the election petition accompanied by supporting affidavit served on the respective respondent along with Form 25 prescribed under Rule 94-A of the Conduct of Elections Rules, 1961 without attestation part duly verified by the District Magistrate/Notary/Oath Commissioner can be said to be "true and correct copy" of the election petition as envisaged in Section 81(3) of the Act ?

22. Their Lordships of the Supreme Court have analysed various relevant provisions of the Act and the Rules. They have also considered the meaning of expression "true copy". In paragraph 8 of the report, this is what is stated :—"It would thus be clear that a true copy is a transcript identical to or substitute to the original but not absolutely exact copy. But nobody can by any possibility, misunderstand it to be not a true copy. It is seen that the test, as stated earlier, is whether by any variation from the original is calculated to mislead an ordinary person. When a petitioner is enjoined to file an election petition accompanied by an affidavit duly sworn by the applicant duly verifying diverse allegations of corrupt practices imputed to the returned candidate and attested by the prescribed authority it would be obvious that the statute intended that it shall be performed in the same manner as prescribed in Form 25 read with Rule 94-A of the Rules. The attestation of the affidavit by the prescribed authority, therefore, is an integral part of the election petition. The question, therefore, is whether copy of the affidavit supplied to the respondent without the attestation portion contained in it (though contained in the original affidavit) can be considered to be a 'true copy' ?"

23. Then the Court has considered the five propositions as have been laid down in the earlier judgment in the case of *Mithilesh Kumar Pandey v. Baidyanath Yadav*, AIR 1984 SC 305. The third proposition enunciated in the judgment in the case of *Mithilesh Pandey* is as follows :

"Where the copy contains important omissions or discrepancies of a vital nature, which are likely to cause prejudice to the defence of the returned candidate, it cannot be said that there has been a substantial compliance of the provisions of Section 81(3) of the Act."

The fourth proposition in that judgment reads as follows :

“Prima facie, the statute uses the word “true copy” and the concept of substantial compliance cannot be extended too far to include serious or vital mistakes which shed the character of a true copy so that the copy furnished to the returned candidate cannot be said to be a true copy within the meaning of Section 81(3) of the Act.”

24. Their Lordships of the Supreme Court then referred to the decision in the case of *Purushottam V. Returning Officer, Amaravati*, reported in AIR 1992 Bombay 227, which is the judgment rendered by the learned Single Judge (Qazi, J) of this Court. Both, K. Ramaswamy, J and K. S. Paripooran, J in separate but concurrency opinions have approved the judgment of the learned single Judge of this High Court in the case of *Purushottam, and Paripooran, J.*, after extensively quoting from the judgment in the *Purushottam's* case while adopting the observations and reasonings of the learned Single Judge of this High Court, has, in paragraph 22 of the judgment, said that His Lordship would adopt the same observations as his own. Thus, the judgment, in the case of *Purushottam* rendered by the learned Single Judge of this High Court, has met with whole hearted approval from the Supreme Court. *Purushottam's* case was also a case where a copy of the affidavit petition which was served to the Respondent was found not to be a true copy, inasmuch as, that copy did not bear the name and designation of the Notary as also it did not contain the endorsement made under the signature of the Notary which of course found place in the original affidavit. The learned Single Judge of this High Court in *Purushottam's* case found that the copy of the affidavit, which was served to the Respondent in that case, along with the copy of the election petition in that case, could not be said to be a true copy of the affidavit, and therefore, it was not a true copy of the document which formed the integral part of the election petition, and therefore, there was non compliance of Section 81(3) of the Act which required dismissal of the election petition under Section 86 of the Act. That view of the learned Single Judge of this High Court, as said above, has found whole hearted approval from the Supreme Court in the decision in the case of *Dr. (Smt.) Shipra V. Shanafi Lal* (Supra).

25. In paragraph 11 of the judgment of the Supreme Court, in the case of *Dr. (Smt.) Shipra* (Supra). His Lordship K. Ramaswamy, J has observed as follows :

“For that purpose, Form 25 mandates verification before the prescribed authority. The object appears to be that the returned candidate is not misled that it was not duly verified. The concept of substantial compliance of filing the original with the election petition and the omission thereof in the copy supplied to the returned candidate as true copy cannot be said to be a curable irregularity.”

26. The above referred judgments make it amply clear that the copy of the election petition, which is required to be served upon the respondent, has to be a true copy, meaning thereby, it has to be a copy which is substantially the reproduction of the original. Of course, insignificant omissions in the copy may have to be ignored, but, if there is omissions of the vital nature in the copy, as compared to the original election petition, such omission cannot be ignored, and if there is such an omission, it has got to be said that the copy of the election petition served upon the respondent is not a true copy of the original.

27. The question, in each case, would be whether the omissions or mistakes or discrepancies of a vital nature sought to be highlighted by the respondent are the omissions/mistakes/discrepancies of substantial nature or not. The judgments referred to above clearly show that if in the copy of the election petition served upon the respondent there is an omission as regards the endorsement by the prescribed authority before whom the election petition is verified, such an omission is a vital omission and would entail the dismissal of the election petition under Section 86(1) of the Act.

28. Here, in the case before me, three different pages of the original election petition are required to be compared with the corresponding three pages of the copy of the election petition served to the respondent. So far as all these three pages are concerned (pages 20, 75 and 77), the omission which is sought to be highlighted on behalf of the respondent is the same. The first omission consists of there being no signature or name of the officer before whom the election petitioner is said to have made a verification or affirmation. The other omission which is highlighted by the respondent is that on all these three pages in the original election petition, there appears the date of endorsement, put by the Associate but in the copy of the election petition under the endorsement at the corresponding three places, on the relevant three pages, no date is found.

29. The question is whether these omissions are vital? My answer to it, is in the affirmative, for the simple reason that though in the endorsement in the original election petition, Mrs. Bangale, the Associate of this Court has put her signature, on the copy at the corresponding pages, there is only Sd/- written, and no date is to be found on the corresponding pages in the copy of the election petition. The endorsements made by the Associate have importance inasmuch as the law requires the election petition to be verified in the manner prescribed for verification of pleadings in the Code of Civil Procedure. As indicated hereinabove, so far as this Court is concerned, the pleadings have to be verified before the officer mentioned in Section 139 of the Code of Civil Procedure. Of course, Mr. Manohar, the learned counsel for the respondent submitted that the Associate of this High Court is not a Oath Commissioner for administering the oath and therefore, she would not have authority to administer an oath to the deponent. I think, that submission cannot be allowed to prevail for it has been in no uncertain terms held by the learned Single

Judge of this High Court in the decision in the case of Prataprao Ganpatrao Pangar V. Ashok Apandrao Deshmukh & Ors. in Election Petition No. 3 of 1992, decided on February 10, 1992 that an officer of this Court who has been authorised by this High Court to administer oath is an Oath Commissioner under the Indian Oaths Act. Therefore, Mrs. Bangale would be Oath Commissioner who would have authority to administer the oath to the deponent and the verification/affirmation made by the election petitioner before her could not be faulted because Mrs. Bangale had an authority to administer the oath. However, in the copy of the election petition, no name of the officer who administered the oath to the election petitioner or before whom the election petitioner verified the election petition or made affirmation is mentioned. The fact that the Petition is required to be verified, or the documents required the affirmation before the prescribed authority cannot be disputed. Once that is a legal position, the respondent would be entitled to know whether, as a matter of fact, the Petitioner had verified the contents of the election petition before the authorised officer. The respondent would also be entitled to know as to whether the officer, before whom the election petitioner purported to have verified the election petition or affirmed the documents, was authorised to administer the oath. All these facts, the respondent could know, only if the name of the officer before whom the election petitioner claims to have verified the documents is made known to him. The respondent is not supposed to go to the Court office to wade through the original records and find out whether, as a matter of fact, the officer or authority before whom the election petitioner purported to verify the petition or affirm the documents had put his signature on the original document in token of those documents having been verified/affirmed/declared by the election petitioner before him. Secondly, in order to know the date on which such verification/affirmation/declaration was purported to have been made by the election petitioner, also the respondent was entitled to know that date, and therefore, the copy of the election petition served on him should have contained the date and the place where the Associate purported to have put her signature. In absence of that date, in the copy of the election petition, the respondent would be at a loss to find out as to on which date the election petitioner had either verified the election petition or affirmed or declared the documents before the Associate. In that event, there is clear prejudice caused to the respondent, and therefore the omissions at three places (i.e. pages 20, 75 and 77), upon which the respondent relies, are substantial omissions which would make the copy of the election petition served to the respondent not a true copy, and that would entail the dismissal of the election petition under Section 86(1) of the Act.

30. It was submitted on behalf of the election petitioner by Mr. Chinai, that the affidavit which the election petitioner has filed is not an integral part of the election petition for the simple reason that as no corrupt practice has been alleged in the election petition, therefore filing of such an affidavit was not a mandatory requirement of law, and therefore, when

the election petitioner has filed such an affidavit, that document should be treated to be surplusage. The argument cannot be accepted firstly for the reason that the election petitioner himself has purported to file that affidavit in Form No. 25 under the requirements of Rule 94-A of the Rules, therefore, whether it was incumbent upon the election petitioner to file such affidavit or not, the election petitioner, as a matter of fact, purported to file an affidavit in Form No. 25 of Rule 94-A of the Rules, and therefore, as rightly submitted by Mr. Manohar, the learned counsel for the respondent, affidavit should be treated to be integral part of the election petition.

31. Secondly, in a very recent judgment, in the case of Jagannath Shindu Rahane V. Smt. Manisha Manohar Nimkar, in Election Petition No. 20 of 1995 decided on April 18, 1996, a learned Single Judge (M. S. Rane, J) of this Court was concerned with a case where the election of the returned candidate was challenged, not on the ground of corrupt practice but on the ground that the returned candidate did not belong to Scheduled Tribes. Therefore, in that case, strictly speaking, the filing of the affidavit, as spoken of by the proviso to sub-section 2 of Section 83, was not necessary, and still, the election petitioner in that case had filed such an affidavit. The learned Single Judge considered the matter from the standpoint of the question whether the copy of the affidavit served to the respondent in that case was a true copy. In that context, in paragraph 34 of the judgment the learned Single Judge observed as follows :

"The petitioner has filed the affidavit in support of the election petition which is at pages 33-34. True it is that in this petition the petitioner has not taken up the ground of corrupt practice questioning the election of the respondent. But it would be besides the point. In the matter herein the fact remains that the petitioner has in fact made an affidavit and has annexed the same to the petition. We are concerned mainly whether there is a compliance of section 81 of the said Act in furnishing a true copy of the petition. The various flaws in the copy of the petition furnished to the respondent have been noted hereinabove in para 14 to which there is no dispute and in my view there cannot be also as the same are apparent on the face of it."

Towards the later part of that very paragraph 34 of the judgment, the learned Single Judge has observed as follows :

"It is undisputed fact that the affidavit forms part of election petition and the copy furnished thereof does not indicate whether in fact the same was affirmed by the petitioner. Same also does not show the name and designation of the affirming authority. In my view, these are serious lacunas and omissions on the part of the petitioner."



Thus on authority also, as has been held by the learned Single Judge, it is clear that even if the election petitioner was not required to file an affidavit, as spoken of the proviso to Section 83(1) of the Act, he has filed such affidavit; the copy of that affidavit served to the respondent should be a true copy; and if that copy does not show the name and designation of the affirming authority, that document would not be a true copy, and to put in the words of the learned Single Judge, 'there would be serious lacunae and omissions on the part of the petitioner.'

32. Therefore, the copy of the affidavit (page 77) in the present case would stand on the same footing as the copy of the other two pages i.e. Pages 20 and 75 of the election petition. Even assuming for the sake of argument, that the flaw in the copy of the affidavit cannot be taken into account for the election petitioner was not obliged to file such an affidavit, the flaw of the omissions in the other two portions in the copy of the election petition viz. pages 20 and 75, would in my opinion, be sufficient to hold that the election petition is liable to be rejected under Section 86(1) of the Act.

33. There is one more aspect of the matter which is required to be noticed. As pointed out hereinabove, at page 75 of the original election petition, there is no verification done by the election petitioner. From pages 70 to 75 of the compilation of the election petition, the election petitioner has produced the concise statement of material facts. The narration of the concise statement of material facts is completed at page 75, and below that, we do not find any verification having been made by the election petitioner, as mandated by clause (c) of Section 83 of the Act read with Rule 15 of Order VI of the Code of Civil Procedure, as amended by the Bombay High Court, Rule 15 of Order VI of the Code of Civil Procedure, as pointed out hereinabove. *inter alia*, requires the person verifying a pleading to specify by reference to the numbered paragraphs of the pleading, what he verifies of his own knowledge and what he verifies upon information received and believed to be true. It could not be disputed that the concise statement would be an integral part of the election petition. As a matter of fact, the first requirement of the election petition, under Section 83 of the Act, is that the election petition shall contain a concise statement of the material facts on which the petitioner relies. Thus, the concise statement is the first essential requirement of an election petition. It is, therefore, an integral part of the election petition. Being an integral part of the election petition, by virtue of clause (c) of Section 83 of the Act, it is required to be verified in the manner laid down in the Code of Civil Procedure for verification of pleadings. In the present case, we do not find any verification having been made by the election petitioner or any other person competent to verify, so far as the concise statement is concerned. The copy of the election petition served to the Respondent also does not bear out the fact that the concise statement has been verified by the election petitioner or somebody else on his behalf who is competent to verify, and going by the Supreme Court dictum, in the case of *Dr. (Smt.) Shiroa V. Shanti Lal* (Supra), now it is clear that Sections 81, 83(1)(c) and 86 read with Rule 94-A of the Rules and Form No. 25 are to be read conjointly as an integral scheme. When so read, if the Court finds on an objection, being raised by the returned candidate, as to the maintainability of the election petition, the Court is required to go into the question and decide the preliminary objection. In case the Court does not uphold the same, the need to conduct trial would arise. If the Court upholds the preliminary objections, the election petition would result in dismissal at the threshold, as the Court is left with no option except to dismiss the same.

Thus as laid down by the Supreme Court in paragraph 12 of the judgment in the case of *Dr. (Smt.) Shiroa* (Supra) it is now clear that sections 81, 83(1)(c) and 86 are required to be read with Rule 94-A of the Rules and Form 25 conjointly as an integral scheme. Therefore, though Section 86(1) of the Act does not refer to Section 83 of the Act, by virtue of this judgment, we have to read Section 86 of the Act conjointly with Sections 81 and 83(1)(c) of the Act. So read, it would lead to this that, if on the facts, the election petition does not conform to the requirements of Section

83(1)(c) of the Act, at the minimum, it has got to be said that the copy of the election petition served to the respondent would not be the copy of the election petition which should conform to the requirement of Section 83(1)(c) of the Act, and in that view of the matter also, the election petition would be liable to be dismissed. In the present case, the concise statement has not been verified as required to be done under Section 83(1)(c) of the Act read with Rule 15 as amended by the Bombay High Court in Order VI of the Code of Civil Procedure.

34. As result of the foregoing discussion, I find that the copy of the election petition supplied to the respondent is not a true copy of the original election petition. Therefore, the election petition is liable to be dismissed under Section 86(1) of the Act. The Chamber Summons is made absolute in terms of prayer (a) and it is ordered that the election petition stands dismissed under Section 86(1) of the Act. A copy of the judgment be sent to the Election Commission of India and the Speaker of the Parliament as required under Section 103 of the Act.

35. There shall be no order as to costs. The amount deposited by the Election Petitioner in this Court shall be returned to the Election Petitioner.

36. Issuance of certified copy be expedited.

[No. 82/MT-HP/1/96]

By Order,  
BABU RAM, Secy.

आदेश

नई दिल्ली, 9 जून, 1997

आ. 118.--निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (3) में यथा विनिर्दिष्ट प्रत्येक अभ्यर्थी केरल विधान सभा के साधारण निर्वाचन, 1996 में जो स्तम्भ (2) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्पुन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (4) में यथा दशित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और यतः उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रस्ताव स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यापन पत्रों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है।

अतः अब, निर्वाचन आयोग एतद्वारा उक्त अधिनियम की धारा 10 के अनुसरण में, नीचे की सारणी के स्तम्भ (3) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है :-

सारणी				चम्पूर अतुम्मकल, पो. चानल
क्र. संसदीय/विधान सं. सभा निर्वाचन क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और कारण	निरहता का कारण		
1. 15--पेरावर	सर्वश्री/सुश्री अतुम्मकल कुरियन	लेखा बिल्कुल दाखिल नहीं किया	2. 25--पेरावर	नेचीक्काडन सदावादी पो. कीझपल्ली
1	2	3	4	[सं. 76/केरल-वि.स./97]
				आदेश से. बाबू राम, सचिव

## ORDER

New Delhi, the 9th June, 1997

O.N. 118.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (3) of the Table below at the General Election to the Kerala Legislative Assembly, 1996 held from the constituency specified in column (2) against his/her name has failed to lodge an account of his/her election expenses as shown in column (4) of the said Table, as required by the Representation of the People Act, 1951 and the Rules made thereunder ;

And whereas, the said candidates have either not furnished any reason or explanation for the said failures even after due notice, and the Election Commission, is satisfied that they have no good reason or justification for the said failure;

Now therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the person specified in column (3) of the Table below to be disqualified for being chosen as and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

## TABLE

S. No. & Name of Assembly No. Constituency	Name and address of the contesting candidate	Reason for disqualification
1.	2.	3.
1. 15-Peravoor	S/Sh./Ms. Ooothunmakal Kurian Chummar, Ooothumakal, P.O. Chanal.	Account not lodged at all.
2. 15-Peravoor	Nechikkadan, Saidalavi, P.O. Keezhpally.	Account not lodged at all.

[No. 76/KL-LA/97]

By Order,  
BABU RAM, Secy.

## आदेश

नई दिल्ली, 9 जून, 1997

आ० अ० 119.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तंभ (2) में यथा विनिर्दिष्ट मध्य प्रदेश से विधान सभा के लिए उप-निर्वाचन, 1996 के लिये जो स्तंभ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तंभ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तंभ (5) में यथा दशित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है।

और उक्त अभ्यर्थियों न सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10 क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

क्र.सं०	निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्र.सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहता का कारण
1	2	3	4	5
1.	मध्य प्रदेश विधान सभा के लिए उप-निर्वाचन, 1996	81-नौरोजाबाद (अ०ज०जा०) विधान सभा निर्वाचन क्षेत्र	श्री रामकृपाल ग्राम पोस्ट धुन-बुटी जिला शहडोल, मध्य प्रदेश	निर्वाचन व्यय का कोई भी लेखा दाखिल करने में असफल रहा।
2.	मध्य प्रदेश विधान सभा के लिए उप-निर्वाचन, 1996	81-नौरोजाबाद (अ०ज०जा०) विधान सभा निर्वाचन क्षेत्र	श्रीमती कमलेश ग्राम पोस्ट-आफिस निगहरी, जिला शहडोल, मध्य प्रदेश	निर्वाचन व्यय का कोई भी लेखा दाखिल करने में असफल रहा।
3.	—वही—	286-साहपुर विधान सभा निर्वाचन क्षेत्र	श्री चन्द्रशेखर जवाहर लाल पोस्ट डोई फोडिया तहसील बुरहानपुर, जिला बुरहानपुर, मध्य प्रदेश।	—वही—

[सं० 76/म० प्र०/96 (9)]

आदेश से,

एल० एच० फास्की, सचिव

ORDER

New Delhi, the 9th June, 1997

O.N.119.—Whereas the Election Commission is satisfied that each of the contesting candidate specified in column (4) of the Table below at the Bye Election to Madhya Pradesh Legislative Assembly, 1996 as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge any account of his election expense as required by the Representation of the People Act, 1951 and the rule made thereunder as shown in column (5) of the said Table;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 Years for the date of this Order :—

TABLE

Sl. No.	Particulars of Election	No. & Name of Constituency	Name & Address of contesting candidate	Reasons for disqualification
1	2	3	4	5
1.	Bye Election to Madhya Pradesh Legislative Assembly, 1996.	81-Nowrozabad (ST) Assembly Constituency	Sh. Ram Kirpal, Vill. & P.O. Ghunghuti, Distt. Shahdol, M.P.	Failure to lodge any account of Election Expenses.
2.	-do-	-do-	Smt. Kamlesh, Vill. & P.O. Nighari, Distt. Shahdol, M.P.	-do-
3.	-do-	286-Sahhpur Assembly constituency	Sh. Chandrashekhar Jawaharlal, Post Doifodia, Teh. Burhampur, Distt. Burhanpur, M.P.	-do-

[No. 76/MP/96(9)]

By order,

L. H. FARUQUI, Secy.

## आदेश

नई दिल्ली, 9 जून, 1997

आ० अ० 120.—यतः निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट बिहार राज्य से विधान सभा के साधारण निर्वाचन, 1995 एवं बिहार विधान सभा का उप-चुनाव, 1996 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नवीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथादर्शित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा है;

और यतः उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावाधि के लिए निरहित घोषित करता है :—

## सारणी

क्र०सं०	निर्वाचन का विवरण	विधान सभा निर्वाचन क्षेत्र की क्र०सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरर्हता का कारण
1	2	3	4	5
1.	बिहार विधान सभा के लिये साधारण निर्वाचन, 1995	32—जीरादेई बिहार	श्री अवध किशोर प्रसाद निवाचन व्ययों का कोई भी ग्राम रेपुरा, पन्ना० जीरादेई लेखा दाखिल करने में असफल जिला सोवान बिहार ।	
2.	—वही—	—वही—	श्री माधो सिंह ग्राम—नथनपुरा, पो० भरतपुरा, जिला—सीवान, बिहार ।	—वही—
3.	—वही—	—वही—	श्री रविन्द्र प्रसाद यादव ग्राम—सिधवल, पन्ना० तैतरिया, जिला सीवान, बिहार ।	वही
4.	—वही—	51—लालगंज	श्री राम शृंगार महनी, काजीपुर, धाधन, हाजीपुर, बिहार ।	—वही—
5.	—वही—	—वही—	श्री बलदेव प्रसाद साहू करहरी, भगवानपुर, वैशाली, बिहार ।	—वही—
6.	—वही—	—वही—	श्री विनेश्वरी प्र० सिंह परमानन्धपुर, पो० पूरखोली, वैशाली बिहार ।	—वही—
7.	—वही—	110—राधोपुर बिहार	श्री शम्भू यादव, ग्राम—समदा पोस्ट—साहेवान, जिला—मुपौल बिहार ।	—वही—
8.	—वही—	185—मुंगेर	श्री कमाल जावेद पो० गयास उद्दीन रामनगर भिखारी, नीलम रोड़, जिला—मुंगेर बिहार ।	—वही—
9.	—वही—	—वही—	श्री कामेश्वर नारायण मिश्र स्व० जवाला मिश्र, वासुदेवपुर, मुंगेर, बिहार ।	—वही—

1	2	3	4	5
10.	बिहार विधान सभा के लिए साधारण निर्वाचन, 1995	185 मुंगेर	श्री गणेश यादव पो० अयोध्या यादव संवलपुर, मुंगेर बिहार।	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल करने में असफल
11.	—वही—	—वही—	श्री बच्चुराम पे० इश्वरी राम लालहरवाजा, मुंगेर बिहार।	—वही—
12.	—वही—	—वही—	श्री राजेन्द्र प्र० यादव पे० मोदी यादव मिलकीचक जानकी नगर, मुंगेर, बिहार।	—वही—
13.	—वही—	186—जमालपुर, बिहार	श्री कुलदीप नारायण मंडल पे० गरीब नारायण मंडल आशा टोला, बरियारपुर मुंगेर, बिहार।	—वही—
14.	—वही—	—वही—	श्री नसीम खां पे० असीम खां मोहनपुर—खलासी महल्ला (जमालपुर), मुंगेर, बिहार	—वही—
15.	—वही—	—वही—	श्रीमती बुन्वो देवी, पे० प्रेमचंद पासवान अठसैया पो० हरिणमार, विषनपुर अठसैया, मुंगेर, बिहार।	—वही—
16.	—वही—	—वही—	श्री रामशरण यादव पे० स्व० रामेश्वर प्रसाद बड़ी बरियापुर, जमालपुर, जिला मुंगेर, बिहार	—वही—
17.	—वही—	—वही—	श्री रामस्वरूप पासवान पे० रोतो पासवान बड़ी आशिकपुर, जमालपुर, मुंगेर, बिहार।	—वही—
18.	बिहार विधान सभा उप-चुनाव, 1996	26—बैकुण्ठपुर, बिहार	श्री मुन्नी लाल मांझी ग्राम पोस्ट-सफियाबाद बैकुण्ठपुर, बिहार।	—वही—

[सं० 76/बिहार-वि० सं० / 97]

आदेश से,

एस० एच० फारूकी, सचिव

## ORDER

New Delhi, the 9th June, 1997

O.N. 120.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the table below at the General Election to the Bihar Legislative Assembly, 1995 and Bye-Election to the Legislative Assembly, 1996 as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951 and the rules made there under as shown in column (5) of the said Table ;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or Justification for the said failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a state for a period of 3 years from the date of this order :—

TABLE

Sl. No.	Particulars of election	Number and Name of Constituency	Name and Address	Reason of disqualification
1.	2.	3.	4.	5.
1.	General election to Legislative assembly of Bihar 1995.	32-Ziradei (Bihar)	Sh. Awadh Kishore Prasad, Vill. Repura, P.O. Zeeradei, Distt. Siwan, Bihar.	Failure to lodge any account of election expenses.
2.	-do-	-do-	Sh. Madho Singh, Vill. Nathanpura, P.O. Bharatpura, Distt. Siwan, Bihar.	-do-
3.	-do-	-do-	Sh. Raveendra Pd. Yadav, Vill. Sidhwal, P.O. Tetaria, Distt. Siwan, Bihar.	-do-
4.	-do-	51-Lalganj (Bihar)	Sh. Ram Shringar Sahani Kajipur, Thathan, Bihar	-do-
5.	-do-	-do-	Sh. Valdeo Prasad Sah, Karhari, Bhagwanpur, Vaishali, Bihar.	-do-
6.	-do-	-do-	Sh. Vineshwar Prasad Singh, Parmanandpur, Purkhauli, Vaishali, Bihar.	-do-
7.	-do-	110-Raghopur (Bihar)	Sh. Sambhu Yadav, Vill. Samda, P.O. Sahaban, Distt. Supaul, Bihar.	-do-
8.	-do-	185-Munger	Sh. Kamal Javed, S/o Gyash Uddin, Rampur Bhikharf, Neelam Road, Munger, Bihar.	-do-
9.	-do-	185-Munger (Bihar)	Sh. Kameshwar Narayan Mishra, S/o Late Jwala Mishra, Basudeopur, Munger, Bihar.	-do-
10.	-do-	-do-	Sh. Ganesh Yadav, S/o Ayodhya Yadav, Sandalpur, Munger, Bihar.	-do-
11.	-do-	-do-	Sh. Bachchu Ram, S/o Ishwar Ram, Laldarwaja, Munger, Bihar.	-do-
12.	-do-	-do-	Sh. Rajendra Pd Yadav, S/o Modi Yadav, Milkichak, P.O. Jankinagar, Munger, Bihar.	-do-

1	2	3	4	5
13.	General election to Legislative Assembly of Bihar 1995.	186-Jamalpur Bihar.	Sh. Kuldip Narayan Mandal, S/o Garib Narain Mandal, Asha Tola, Bariarpur, Munger, Bihar.	Failure to lodge any account of election expenses.
14.	-do-	-do-	Sh. Naseem Khan, S/o Ashim Khan, Mohanpur Khalasi, Mohalla, Jamal pur, Munger, Bihar.	-do-
15.	-do-	-do-	Smt. Bundo Devi, W/o Premchand Paswan, Athsa iya P.O. Harinmar Bisanpur, Munger, Bihar.	-do-
16.	-do-	-do-	Sh. Ramsaran Yadav, S/o Late Rameshwar Prasad, Bari Dariapur, Jamalpur, Munger, Bihar	-do-
17.	-do-	-do-	Sh. Ramswaroop Paswan S/o Rito Paswan Bari Ashikpur, Jamalpur Munger, Bihar	-do-
18.	Bye-Election to Legislative Assembly of Bihar, 1996.	27-Baikunthpur	Sh. Munnijal Majhi S/o Raja Majhi Vill.—P.O. Saphiyabad, Baikunthpur, Bihar.	-do-

[No. 76/BR-LA/97]

By Order,

L. H. FARUQUI, Secy.

आदेश

नई दिल्ली, 9 जून, 1997

भा.प्र. 121.—यतः निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट बिहार राज्य से लोक सभा के साधारण निर्वाचन, 1996 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्तिन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा है।

और यतः उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्य.योजित्य नहीं है ;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है :—

सारणी

क्र.सं.	निर्वाचन का विवरण	लोक सभा निर्वाचन क्षेत्र की क्र.सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरर्हता का कारण
1	2	3	4	5
1.	बिहार राज्य के लोक सभा के लिए साधारण निर्वाचन, 1996	4—गोपालगंज बिहार	श्री केशव प्रसाद, ग्राम, पो. ब घंघल—कटेया, जिला—गोपालगंज, बिहार।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल।

1	2	3	4	5
2.	बिहार राज्य के लोक मभा के लिए साधारण निर्वाचन 1996	4-गोपाल गंज बिहार	श्री गोरख चौधरी, ग्राम—लक्ष्मीपुर, पो.—हुस्सेपुर, थाना—भोरे, जिला—गोपालगंज, बिहार।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
3.	—वही—	—वही—	श्री मिजामुद्दीन खां, ग्राम—पो.—सासासुसा, ग्राम—कुचायकोट, जिला—गोपालगंज, बिहार।	—वही—
4.	—वही—	—वही—	श्री बलभद्र पटेल, ग्राम—बुधसी, थाना—महम्मदपुर, जिला—गोपालगंज, बिहार।	—वही—
5.	—वही—	—वही—	श्री रोशन हुसेन, ग्राम—फतेहपुर, थाना—मीरगंज जिला—गोपालगंज, बिहार।	—वही—
6.	—वही—	—वही—	श्री बिष्णुदत्त सिंह ग्राम—सप्तवा पो.—पथरा जिला—गोपाल गंज बिहार।	—वही—
7.	—वही—	9-वैशाली बिहार	श्री अमर नाथ पटेल ग्राम—मिसरीलिया पो.—देवरिया जिला—मुजफ्फरपुर बिहार।	—वही—
8.	—वही—	—वही—	श्री उमेश प्रसाद ग्राम—साहेबगंज. पो.—करनील थाना—साहेबगंज बिहार।	—वही—
9.	—वही—	—वही—	श्री किशोरी प्र. साह ग्राम—पो. गीरोल थाना—गीरोल जिला—वैशाली बिहार	—वही—
10.	—वही—	—वही—	श्री चन्देश्वर प्रसाद सिंह ग्राम—रोशनपुर पो.—पानामुर करियात कांटी जिला—मुजफ्फरपुर बिहार	—वही—
11.	—वही—	—वही—	श्री नरेन्द्र ठाकुर ग्राम—पो.—असौसी थाना—कचैया जिला—मुजफ्फरपुर बिहार।	—वही—



1	2	3	4	5
12.	बिहार राज्य के लोक सभा के लिए साधारण निर्वाचन 1996	9-बैशाली बिहार	श्री परशुराम राय ग्रा.—इरपुर जुनेदा पो.—मोतीपुर भाया—सुन्दर सराय थाना—मोतीपुर जिला—मुजफ्फरपुर बिहार ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
13.	—वही—	—वही—	श्री बलीन्द्र सिंह ग्राम—परमानन्दपुर पो.—पुरखौली जिला—बैशाली, बिहार ।	—वही—
14.	—वही—	—वही—	श्री महेश मिश्र ग्रा.—महुकर छपड़ा पो.—सिंगार फूलकाहा सार्देन थाना—कांटी जिला—मुजफ्फरपुर बिहार ।	—वही—
15.	—वही—	—वही—	श्री रविन्द्र सिंह ग्रा.—मोहन छपरा पो.—मुणहरी थाना—कथया जिला—मुजफ्फरपुर बिहार ।	—वही—
16.	—वही—	—वही—	श्री राज कुमार सिंह ग्रा.—रामचन्द्रपुर पो.—नेकनागपुर जिला—मुजफ्फरपुर बिहार ।	—वही—
17.	—वही—	—वही—	श्री राजू प्र. गुप्ता ग्रा.—मानिकपुर पो.—सरैया फौकटी थाना—सरैया जिला—मुजफ्फरपुर बिहार ।	—वही—
18.	—वही—	—वही—	श्री राम जनम सहूनी ग्रा.—असनगर विशुनपुर गंगा उर्फ बकटपुर पो.—बकटपुर थाना—कांटी जिला—मुजफ्फरपुर बिहार ।	—वही—
19.	—वही—	—वही—	श्री रामानन्द अनायें ग्रा.—बड़ी यूस्फपुर पो.—हाजीपुर जिला—बैशाली बिहार ।	—वही—

1	2	3	4	5
20.	बिहार राज्य के लोक सभा के लिए साधारण निर्वाचन 1996	9—वैशाली बिहार	श्री लखीन्द्र सहनी ग्रा.—सखमी नारायणपुर विलनपुर पो.—मानिकपुर पकड़ी जिला—वैशाली बिहार ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
21.	—वही—	—वही—	श्री विद्यार्थी साह ग्रा.—गिजास पो.—जैतपुर स्टेट जिला—मुजफ्फरपुर बिहार ।	—वही—
22.	—वही—	—वही—	श्री शंकर किशोर चौधरी ग्रा. जहुआ बरई टोला पो. हाजीपुर वार्ड नं. 13 जिला—वैशाली, बिहार ।	—वही—
23.	—वही—	—वही—	श्री शंभू महनी ग्रा.—गिजास पो.—जैतपुर स्टेट जिला—मुजफ्फरपुर बिहार ।	—वही—
24.	—वही—	—वही—	श्री शिव शंकर पथिक ग्रा.—धनुषी पो.—घटारो जिला—वैशाली बिहार ।	—वही—
25.	—वही—	—वही—	श्री सुनील कु. सिंह ग्रा.—जगदीशपुर पो.—जारंग थाना—जिला—वैशाली बिहार ।	—वही—
26.	—वही—	—वही—	श्री सुनील कुमार सिंह ग्रा.—ठिकहां असकरी पो.—ठिकहां बासदेव थाना—कथैया जिला—मुजफ्फरपुर बिहार ।	—वही—
27.	—वही—	20—सहरता बिहार	श्री दुखा सादा वार्ड नं. 6—सुपौल पो. + जिला—सुपौल बिहार ।	—वही—
28.	—वही—	—वही—	श्री राम बिहारी मंडल ग्रा. + पो.—बड़हारा थाना—मरोता जिला—सुपौल, बिहार ।	—वही—

1	2	3	4	5
29.	बिहार राज्य के लोक सभा के लिए साधारण निर्वाचन, 1996	25-कटिहार बिहार	श्री मिथिकेश कुमार झा ग्रा0-हरि प्रसाद पो.-मनसाही जिला-कटिहार, बिहार	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
30.	—वही—	—वही—	श्री सरफराज अहमद बौधरी मोहल्ला जिला-कटिहार, बिहार ।	—वही—
31.	—वही—	—वही—	श्री यमना भगत डहेरिया बगान पो.-डहेरिया मिरस जिला-कटिहार, बिहार ।	लेखा विधि सम्मत ढंग से दाखिल नहीं
32.	—वही—	26-राजमहल (अ.ज.जा.) बिहार	श्री करन सोरेन पिता-श्री भीमा सोरेन ग्राम-केसरोल पो.-पथना, जिला-साहेबगंज, बिहार ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
33.	—वही—	—वही—	श्री नारायण टुडू पिता-मेघराव टुडू ग्राम-मयूरभोटी पो.-पथना जिला-साहेबगंज, बिहार ।	—वही—
34.	—वही—	—वही—	श्री राधव सोरेन पिता-कीमत सोरेन ग्राम-आठगावा पो.-बड़तल्ला थाना-रांगा जिला-साहेबगंज, बिहार	—वही—
35.	—वही—	—वही—	श्री शामुएल मुरमू पिता-जीतराम मुरमू ग्राम-पो.-पुलभंगा थाना-बरहेट जिला-साहेबगंज, बिहार	—वही—
36.	—वही—	—वही—	श्री शिव मुर्मू पिता-मताल मुर्मू ग्राम-नवडीह पो.-लिटीपाड़ा जिला-पाकुड़, बिहार ।	—वही—

1	2	3	4	5
37.	बिहार राज्य के लोक सभा के लिए साधारण निर्वाचन, 1996	26-राजमहल (अ.ज.जा.) बिहार	श्री सिमोन सुधिर मालवा पिता-जोन मार्शल मालवा ग्राम-धरमपुर पो.-पथना जिला-साहबगंज, बिहार ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
38.	—वही—	37-बक्सर बिहार	श्री कृष्ण कुमार मिश्र ग्राम-कनकरुआ, बिहार ।	लेखा विधि सम्मत ढंग से दाखिल नहीं
39.	—वही—	—वही—	श्री नासीर हुसैन ग्राम-पो.-आशा पड़री थाना-सिमरी जिला-बक्सर, बिहार ।	—वही— —वही—
40.	—वही—	—वही—	श्री भोला चौधरी ग्राम-पो.-दिवान के बड़का गांव जिला-बक्सर, बिहार	—वही—
41.	—वही—	—वही—	श्री ब्रह्म दयाल सिंह ग्राम-रोनी बिहार ।	—वही—
42.	—वही—	—वही—	श्री रण विजय राय ग्राम-पो.-इश्वरपुरा थाना-शाहपुर जिला-भोजपुर, बिहार ।	—वही—
43.	—वही—	—वही—	श्री लक्ष्मण ग्राम-पो.-हरदियां थाना-जगदीशपुर जिला-भोजपुर बिहार	—वही—
44.	—वही—	—वही—	श्री वशिष्ठ राय ग्राम-घोबही पी.-बस्ती, बिहार ।	—वही—
45.	—वही—	—वही—	श्री मुनेवर सिंह ग्राम-हुमरिया (लदैया) हुमरिया थाना-बिहियां जिला-भोजपुर, बिहार ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
46.	—वही—	—वही—	श्री विद्या सागर तिवारी वाई नं. 8 नाल बन्द टोली जिला-बक्सर, बिहार ।	—वही—

1	2	3	4	5
47.	बिहार राज्य के लोक सभा के लिए साधारण निर्वाचन 1996	37—बक्सर बिहार	श्री शिव नाथ पांडे ग्राम—पांडपुर पो.—निमज जिला—बक्सर, बिहार ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल ।
48.	—वही—	38—सासाराम (अ.जा.) बिहार	श्री कैलाश राम ग्राम—रामगढ़, पोस्ट—ममर जपुर थाना—चनारी जि.—रोहतास बिहार	—वही—
49.	—वही—	38—सासाराम (अ.जा.) बिहार	श्री महेन्द्र राम ग्राम—पीपराडीह महराँव थाना—जिला—रोहतास बिहार ।	—वही—
50.	—वही—	—वही—	श्री लक्ष्मण पासवान ग्राम—कसिगावाँ पोस्ट—बंजारी थाना—जिला—रोहतास बिहार	—वही—
51.	—वही—	—वही—	श्री सनेही राम ग्राम—कोचाड़ी थाना—भभुआ जिला—कैमूर बिहार ।	लेखा विधि सम्मत ढंग से दाखिल नहीं
52.	—वही—	45—कोडरमा बिहार	श्री अतुल ना. देव ग्राम—वहोरियाडीही पो.—गादी नवडीहा जिला—गिरिडीह बिहार ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल

[सं. 76/बिहार/लो.स./97]

आदेश से,

एल.एच.फारुकी, सचिव

## ORDER

New Delhi, the 9th June, 1997

O.N. 121.—Whereas the Elections Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the House of People from Bihar State 1996 as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951 and the rules made there under as shown in column (5) of the said Table ;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a state for a period of 3 years from the date of this order.

TABLE

S. No.	Particulars of Election	Number and Name of the Constituency	Name and Address	Reason of disqualification
1.	2.	3.	4.	5.
1.	General Election to Lok Sabha 1996 from Bihar State	4-Gopalganj Bihar	Sh. Keshav Prasad, Vill. + P.O. Circle Kateya, Distt. Gopalganj, Bihar.	Failure to lodge any account of election expenses.
2.	-do-	-do-	Sh. Gorakh Chaudhary, Vill. Lachhipur, P.O. Hussepur, P.S. Bhokey, Distt. Gopalganj, Bihar.	-do-
3.	-do-	-do-	Sh. Niazmuddin Khan, Vill. + P.O. Sasamusa Circle, Kuchaikote, Distt. Gopalganj, Bihar.	-do-
4.	-do-	-do-	Sh. Balbhadra Patel, Vill. Budhasi, P.S. Mahamedpur, Distt. Gopalganj, Bihar.	-do-
5.	-do-	-do-	Sh. Roshan Hussain, Vill. Phatehpur, P.S. Mirganj, Distt. Gopalganj, Bihar.	-do-
6.	-do-	-do-	Sh. Vishnudo Singh, Vill. Jhajhwa, P.O. Pathra, Distt. Gopalganj, Bihar.	-do-
7.	-do-	9-Vaishali	Sh. Amar Nath Patel, Vill. Misraulia, P.O. Deoria, Distt. Muzaffarpur, Bihar.	-do-
8.	-do-	do	Sh. Umesh Prasad, Vill. Sahebganj, P.O. Karnaul, P. S. Sahebganj Distt. Muzaffarpur, Bihar.	do
9.	-do-	9-Vaishali	Sh. Kishori Pd. Sah, Vill. + P.O. Goraul, P.S. Goraul, Distt. Vaishali, Bihar.	-do-
10.	-do-	-do-	Sh. Chandeshwar Pd. Singh, Vill. Roshanpur, P.O. Panapur Kariyat, Kanti, Distt. Muzaffarpur, Bihar.	-do-

1	2	3	4	5
11.	General Election to Lok Sabha, 1996 from Bihar State.	9-Vaishali Bihar.	Sh. Narendra Thakur, Vill. & P.O. Jasauli, P.S. Kathaiya, Distt. Muzaffarpur, Bihar.	Failure to lodge any account of Election Expenses.
12.	-do-	-do-	Sh. Parshuram Ray, Vill. Harpur Juneda, P.O. Motipur, Via-Sunder Sarai, P.S. Motipur, Distt. Muzaffarpur, Bihar.	-do-
13.	-do-	-do-	Sh. Balindra Singh Vill. Parmanandpur, P.O. Purkhauli, Distt. Vaishali, Bihar.	-do-
14.	-do-	-do-	Sh. Mahesh Mishra, Vill. Madhukar, Chhapra, P.O. Singar Fulkahan, Sine, P.S. Kanti, Distt. Muzaffarpur, Bihar.	-do-
15.	-do-	-do-	Sh. Ravindra Singh, Vill. Mohan Chapra, P.O. Mushhari, P.S. Kathaiya, Distt. Muzaffarpur, Bihar.	-do-
16.	-do-	-do-	Sh. Raj Kumar Singh, Vill. Ramchandrapur, P.O. Naknampur, Distt. Muzaffarpur, Bihar.	-do-
17.	-do-	-do!	Sh. Rajoo Pd. Gupta, Vill. Manikpur, P.O. Saraiya, Factory, P.S. Saraiya, Distt. Muzaffarpur, Bihar.	-do-
18.	-do-	-do-	Sh. Ram Janam Sahani, Vill. Asnagar, Vishunpur Ganga, Urf. P.O. Bakatpur, P.S. Kanti, Distt. Muzaffarpur, Bihar.	-do-
19.	-do!	-do!	Sh. Ramanand Anarya, Vill. Bari Yusufpur, P.O. Majipur, Distt. Vaishali, Bihar.	-So!
20.	-So-	-do!	Sh. Lakhindra Sahani, Vill. Lakhmi, Narayanpuri, Vilampur, P.O. Manikpur, Pakari, Distt. Vaishali, Bihar.	-do-

1	2	3	4	5
21.	General Election to Lok Sabha, 1996, from Bihar State.	9-Vaishali Bihar.	Sh. Vidyarathi Sah, Vill. Gijas, P.O. Jaintpur, State Distt. Muzaffarpur, Bihar.	Failure to lodge any account of Election Expenses.
22.	-do-	-do-	Sh. Shankar Kishore Chaudhary, Vill. Jadhua Barai, Tola, P.O. Hajipur, Ward No. 13, Distt. Vaishali, Bihar.	-do-
23.	-do-	-do-	Sh. Shambhu Sahni, Vill. Gijas, P.O. Jaintpur, State Distt. Muzaffarpur, Bihar.	-do-
24.	-do-	-do-	Sh. Shiv Shankar Singh Pathik, Vill. Dhanukhi, P.O. Ghataro, Distt. Vaishali, Bihar.	-do-
25.	-do-	-do-	Sh. Sunil Ku. Singh. Vill. Jagdishpur, P.O. Jarang, P.S. & Distt. Vaishali, Bihar.	-do-
26.	-do-	-do-	Sh. Sunil Kumar Singh, Vill. Thikhan, Askari, P.O. Thikhan Vasudeo, P.S. Kathaiya, Distt. Muzaffarpur, Bihar.	-do-
27.	-do-	20-Saharsa Bihar	Sh. Dukha Sada, Ward No. 6, P.O. & Distt. Supaul, Bihar.	-do-
28.	-do-	-do-	Sh. Rash Bihari Mandal, Vill. & P.O. Barhara, P.S. Marauna, (Supaul), Bihar.	-do-
29.	-do-	25-Katihar Bihar	Sh. Mithilesh Kumar Jha, Vill. Hari Prasad, Post Mansahi, Distt. Katihar. Bihar.	-do-
30.	-do-	-do-	Sh. Sarfraz Ahmad, Choudhri Mahalla, Katihar, Bihar.	-do-
31.	-do-	-do-	Sh. Yamuna Bhagat, Deharia bagan, Post Deharia, Mills, Distt. Katihar Bihar.	Failure to lodge any account of election Exps. in the manner required by law.



1	2	3	4	5
32.	Gernal Election to Lok Sabha, 1996 from Bihar State	26-Rajmahal (ST)	Sh. Karan Soren, S/o Bhalya Soren, Vill. Kesrole, P.O. Pathna, Distt. Sahibganj, Bihar.	Failure to lodge any account of election expenses.
33.	-do-	-do-	Sh. Narayan Tudu, S/o Meghraw Tudu, Vill. Mayurohothi, P.O. Pathna, Distt. Sahibganj, Bihar.	-do-
34.	-do-	-do-	Sh. Raghav Soren S/o Klimat Soren, Vill. Achgawa, P.O. Bartalla, Distt. Sahibganj, Bihar.	-do-
35.	-do-		Sh. Shamuel Murmu, S/o Jitray Murmu, Vill. P.O. Phulbhanga, P.S. Bharhalt, Distt. Sahibganj, Bihar.	-do-
36.	-do-	-do-	Sh. Shiv Murmu, S/o Matal Murmu, Vill.—Navadih, P.O. Littipara, Distt. Pakur, Bihar.	-do-
37.	-do-	-do-	Sh. Simon Sudhir Malwa, S/o John Marshall Malwa, P.O. Patna, Distt. Sahibganj, Bihar.	-do-
38.	-do-	37-Buxar	Sh. Krishna Kumar Mishra, Vill Kanjharua, Bihar.	Failure to lodge any account of election Expenses in manner required by law.
39.	-do-	37-Buxar Bihar	Sh. Nasir Hussain, Vill.—P.O. Ashaparari, P.S. Simari, Distt. Buxar, Bihar.	-do-
40.	-do-	-do-	Sh. Bohla Choudhary, Vill.—P.O. Diwan, Ke Barkagaon, Distt. Buxar, Bihar.	-do-
41.	-do-	-do-	Sh. Brham Dayal Singh, Vill. Rauni, Bihar.	-do-
42.	-do-	-do-	Sh. Ranvijay Roy, Vill.—P.O. Ishwarpura, Bihar.	-do-

1	2	3	4	5
43.	General Election to the Lok Sabha, 1996 from Bihar State.	37-Buxar Bihar.	Sh. Lakshman Singh, Vill. + P.O. Haradia, P.S. Jagdishpur, Distt. Bhojpur, Bihar.	Failure to lodge any account of Election Expenses in manner required by law.
44.	-do-	-do-	Sh. Vasiath Rai, Vill. Dhobahi, P.O. Banni, Bihar.	-do-
45.	-do-	-do-	Sh. Munewar Singh, Vill. Dumaria, (Lahaiya) Bhumariya, Distt. Bhojpur, Bihar.	Failure to lodge any account of Election Expenses.
46.	-do-	-do-	Sh. Vidya Sagar Tiwary, Ward No. 8, Nalband Toll, Distt. Buxar, Bihar.	-do-
47.	do-	-do-	Sh. Shiv Nath Pandey, Vill. Pandeypur, P.O. Nimej, Distt. Buxar, Bihar.	-do-
48.	-do-	-do-	Sh. Kallash Ram, Vill. Ramgarh, P.O. Mamrejpur, P.S. Chenari, Distt. Rohtas, Bihar.	Failure to lodge any account of Election Expenses.
49.	-do-	-do-	Sh. Mohendra Ram, Vill. Pipradih, Mahraon, P.S. + Distt. Rohtas, Bihar.	-do-
50.	-do-	-do-	Sh. Lakshman Paswan, Vill. Kashigawan, P.O. Banjari, P.S. + Distt. Rohtas, Bihar.	-do-
51.	-do-	-do-	Sh. Sanehi Ram, Vill. Kocharhi, P.S. Bhabu, Distt. Kaimur (Bhabua), Bihar.	Failure to lodge any account of Election Exps. in manner regd. by law.
52.	-do-	45-Kodarma	Sh. Chaturbhuj Na. Deo., Vill. Bahoriyadih, P.O. Gadinawdiha, Distt. Giridih.	Failure to lodge any account of Election Expenses.

[No. 76/BR-HP/97]

By Order  
L.H. FARUQUI, Secy.

## आदेश

नई दिल्ली, 9 जून, 1997

आ. अ. 122.—यतः निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा तथा असम की विधान सभा के साधारण निर्वाचनों के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्विनिर्दिष्ट बनाये गये नियमों द्वारा प्रेषित उक्त सारणी के स्तम्भ (5) में यथा-दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है अथवा अपेक्षित रीति से दाखिल करने में असफल रहा है;

और यतः, उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का इस प्रकार यह समाधान हो गया है कि उनके पास उक्त असफलता के लिये पर्याप्त कारण या व्याघोचित्य नहीं है;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है:—

## सारणी

निर्वाचन का विवरण	संसदीय/विधान सभा निर्वाचन क्षेत्र की	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहता का कारण
1	2	3	4
1. लोक सभा के लिये साधारण निर्वाचन, 1996	9—तेजपुर सं. नि. क्षेत्र	श्री गोलोक नाथ, गांव व पो. आ. निज बिहागुडी, थाना तेजपुर, जिला—सोनितपुर, असम	निर्वाचन व्ययों को कोई भी लेखा दाखिल करने में असफल रहे।
2. —वही—	14—लखिमपुर	श्री पद्मेश्वर फुकन, गांव चोमुआ गांव, पो. आ. जोरकाटा, जिला—धर्माजी	—वही—
3. —वही—	—वही—	श्री जोगमोनी चुरिया, गोबन्नापम बेबजिया, बोरडाई बाम, जिला—लक्ष्मीपुर, असम	—वही—
4. —वही—	—वही—	श्री हिरण्य कु. पेगु, गांव दादाबारी, पो. आ. ककुरी पामुआ, जिला लक्ष्मीपुर, असम	—वही—
5. असम विधान सभा के लिए साधारण निर्वाचन, 1996	6—हेलाकण्डी	श्री के. खाजू सिंह, गांव सुदर्शनपुर, पार्ट 2, पो. आ. सुदर्शनपुर, थाना—लाला, जिला—हेलाकण्डी, असम	—वही—
5. —वही—	—वही—	श्री खलील उद्दीन मीरा, हेलाकण्डी टाउन, बार्ड नं. 3, पो. आ. रत्नापुर रोड, जिला—हेलाकण्डी, असम	—वही—

1	2	3	4	5
7.	असम विधान सभा के लिए साधारण निर्वाचन 1996	6-हैलाकण्डी	श्री चित्तरंजन चन्दा, कचारी रोड, पो. ग्रा. और जिला-हैलाकण्डी, असम	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे ।
8.	—वही—	—वही—	श्री नीलकान्त सिंघ, गांव चेंगबिल, पो. ग्रा. मदारीपुर (लाला) थाना- लाला, जिला-हैलाकण्डी असम	—वही—
9.	—वही—	—वही—	श्री साहब उद्दीन चौधरी हैलाकण्डी टाउन, वार्ड नं. 3, पो. ग्रा. रतनपुर रोड, जिला-हैलाकण्डी, असम	—वही—
10.	—वही—	—वही—	श्री सरजन पांडे गांव आसिनाखल टी. ई. पो. ग्रा. अऐनाखल पाथा-लाला, जिला-हैलाकण्डी, असम	—वही—
11.	—वही—	6-हैलाकण्डी	श्री योगेश्वर देव काचरी रोड, वार्ड नं. 9, पो. व. पु. स्टे. हैलाकण्डी, जिला-हैलाकण्डी, असम	—वही—
12.	—वही—	—वही—	श्री जादव राजभर, पश्चिम किट्टरबांड, पार्ट 1, पो. मोनाचेरी थाना लाला-जिला हैलाकण्डी, असम	—वही—
13.	—वही—	37-गोलपारा पूर्व	श्री हुसैन अली, खालिरा मानिकपुर पो. कृष्णई, असम	—वही—
14.	—वही—	39-जलेश्वर	श्री शाहजहां अली, गांव बाइबडिया पो. फटेगापारा, जिला-गोलपारा, असम	—वही—
15.	—वही—	41-भवानीपुर	श्री मायेन उद्दीन अहमद, गांव व. पो. मजबाब, असम	—वही—
16.	—वही—	42-पाराछारकुछी	श्री सैलेन शर्मा, गांव पथसाला टाउन, वार्ड नं. 4, पो. पथसाला, असम	—वही—
17.	—वही—	66-सिपासाड	श्री ओमार फारक, गांव सास्तीपुखरी बी. पी. ओ. सास्तीपुखरी, साराबारी, जिला-दारंग, असम	—वही—
18.	—वही—	—वही—	श्री कशना मेकी, गांव सेलपम, पो. धेकीपारा, जिला-दारंग, असम	—वही—
19.	—वही—	—वही—	श्री जितेन बरुआ, ग्राम बुक्ताबारी, मौजा-सीपासाड, डाकघर व थाना सीपासाड, जिला-दारंग, असम	—वही—

1	2	3	4	5
20	असम विधान सभा के गाधारण निर्वाचन, 1996	67-मंगलदोई (अ. जा.)	श्री अनिल दास बीजामुख मंगलदोई टाउन वार्ड नं. 2 डाकघर मंगलदोई जिला दारंग असम	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे
21	—वही—	68-इलगांव विधान सभा निर्वाचन क्षेत्र	श्री जाकिर हुसैन ग्राम—नुरिगांव डाकघर घांसीमालु वाया खारुपेटिया जिला दारंग असम	विधि द्वारा अपेक्षित रीति से लेखा दाखिल करने में असफल रहे
22	—वही—	77-बहाली	श्री माधव उपाध्याय गंगमोथान डाकघर गंगमोथान, जिला सोनितपुर असम	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे
23	—वही—	—वही—	श्री सुदर्शन खेरवार बीहमारी जारानी, डाकघर बीहमारी जिला—सोनितपुर असम पिन—784179	—वही—
24	—वही—	109-बिहपुरिया	श्रीमती पद्मावती सैकिया ग्राम—चटियाकुरी, डाकघर मोहवामिया, जिला लखीमपुर असम	—वही—
25	—वही—	—वही—	श्री रोबिन डेका ग्राम बेरिगांव काचुआ मलगांव डाकघर धालपुर जिला लखीमपुर असम	—वही—
27	—वही—	110-नामोबोइछा	श्री जीवा राजखोबा, लाथीवपाथर, डाकघर नामोबोइछा, लखीमपुर, असम	—वही—
27	—वही—	117-लाहोबल	श्री पुनाराम दास सोनिपटिया गांव-डाकघर, मोहनबारी जिला—डिब्रुगढ़, असम	—वही—
28	—वही—	—वही—	श्री अजेश मिश्रा, निज : कनोई गांव-डाकघर, नात्राधुली कानाई गांव लाहोबल जिला डिब्रुगढ़, असम	—वही—

[सं. 76/असम/96]

आदेश से,  
के. जे. राव, सचिव

## ORDER

New Delhi, the 9th June, 1997

O. N. 122.—Whereas, the Election Commission is satisfied that each of the contesting candidate specified in column (4) of the Table below at the general elections to the Lok-Sabha and Legislative Assembly of Assam as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses/failed to lodge an account in the manner as required by the Representation of the people Act, 1951 and Rules and Orders made thereunder as shown in column (5) of the said Table; and

Whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or any justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order:—

TABLE

Sl. No.	Particulars of election	No. & Name of constituency	Name & Address of contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General election to Lok-Sabha 1996.	9-Tezpur Parliamentary constituency	Shri Golok Nath, Vill. Niz Bihaguri, P.O. Bihaguri, P.S. Tezpur, Dist-sec. Sonitpur, Assam.	Failed to lodge any account of election expenses.
2.	-do-	14-Lakhimpur Parliamentary constituency.	Shri Padmeswar Phukan, Vill. Chamua Gaon, P.O. Jorkata, Dist. Dhemaji, Assam.	-do-
	-do-	-do-	Shri Jogamoni Chutia, Vill. Napam Bebejia, Bordoi Bam, Distt. Lakhimpur, Assam.	-do-
4.	-do-	-do-	Shri Hiranya Kr. Pegu, Vill. Dadabari, P.O. Kekuri Pamua, Dist. Lakhimpur, Assam.	-do-
5.	General election to Assam Legislative Assembly, 1996.	6-Hailakandi Assembly constituency	Shri K. Khaju Singh, Vill. Sudarshanpur, Part-II, P.O. Sudarshanpur, P.S. Lala, Dist. Hailakandi, Assam.	-do-
6.	-do-	-do-	Shri Khalil Uddin Mira, Hailakandi Town, Ward No. III, P.O. Ratanpur Road, Distt. Hailakandi, Assam.	-do-
7.	-do-	-do-	Shri Chitta Ranjan Chanda, Kachari Road, P.O. & P.S. and Distt. Hailakandi, Assam.	-do-
8.	-do-	-do-	Shri Nilkanta Singha, Vill. Chengbil, P.O. Madaripur (Lala), P.S. Lala, Dist. Hailakandi, Assam.	-do-
9.	-do-	-do-	Shri Sahab Uddin, Choudhury, Hailakandi Town, Ward No. III, P.O. Ratanpur Road, Dist. Hailakandi, Assam.	-do-
10.	-do-	-do-	Shri Sarjan Pandey, Vill. Aonakhal T.E., P.O. Aonakhal, P.S. Lala, Distt. Hailakandi, Assam.	-do-
11.	-do- Legislative Assembly, 1996.	-do-	Shri Yageswar Deb, Cachari Road, Ward No. IX, P.O. & P.S. Hailakandi, Distt. Hailakandi, Assam.	-do-

1.	2.	3.	4.	5.
12.	General election to Assam Legislative Assembly, 1996.	6-Hailakandi Assembly Constituency.	Shri Jadab Rajbhar, Paschim Kittarbond, Part-I, P.O. Monacherra, P.S. Lala, Dist. Hailakandi, Assam	Failed to lodge any account of election Expenses.
13.	-do-	37-Goalpara East Assembly constituency.	Shri Hussain Ali, Khazra Mandkpur, P.O. Krishnai, Assam.	Failed to lodge the account in the manner required by law.
14.	-do-	39-Jaleswar Assembly constituency.	Shri Shahjahan Ali, Vill. Badbadia, P.O. Fetengapara, Distt. Goalpara, Assam.	-do-
15.	-do-	41-Bhabanipur Assembly constituency.	Shri Mayen Uddin Ahmed, Vill. & P. Majgaon, Assam.	Failed to lodge any account of election expenses.
16.	-do-	42-Patacharkuchi Assembly constituency.	Shri Sallen Sarma, Vill. Pathsala Town, Ward No. 4, P/O. Pathsala, Assam.	-do-
17.	-do-	66-Sipajhar Assembly constituency.	Shri Omar Faruque, Vill. Santipukhuri, BPO Santipukhuri Sarbari, Distt. Darrang, Assam.	-do-
18.	-do-	-do-	Shri Karuna Medhi, Vill. Selpam, P.O. Dhekipara, Distt. Darrang, Assam.	-do-
19.	-do-	-do-	Shri Jiten Barua, Vill. Buktadari, Mouza Sipajhar, P.O. & P.S. Sipajhar, Distt. Darrang, Assam.	-do-
20.	-do-	67-Mangaldoi (SC) Assembly constituency.	Shri Anil Das, Bogamukh, Mangaldoi Town, Ward No. 2, P.O. Mangaldoi, Distt. Darrang, Assam.	Failed to lodge the account in the manner required by law.
21.	-do-	68-Dalgaon Assembly constituency.	Shri Jakir Hussain, Vill. Burigaon, P.O. Ghansimalu, Via Kharupetia, Dist. Darrang, Assam.	-do-
22.	-do-	77-Behali Assembly constituency.	Shri Madhab Upadhyaya, Gangmouthan, P.O. Gangmouthan, Dist. Sonitpur, Assam.	Failed to lodge any account of election expenses.
23.	-do-	-do-	Shri Sudarshan Kherwar, Bihmari Jarani, P.O. Bihmari, Dist. Sonitpur, Assam, Pin-784 179.	-do-

1	2	3	4	5
24. General election to Assam Legislative Assembly, 1996.	109-Bihpuria Assembly constituency.	Smt. Padmawati Saikia, Vill. Chutiakari, P.O. Moidamia, Dist. Lakhimpur, Assam.		Failed to lodge any account of election expenses.
25. -do-	-do-	Shri Robin Deka, Vill. Borigaon, Kachua Majgaon, P.O. Dhalpur, Dist. Lakhimpur, Assam.		-do-
26. -do-	110-Naoboicha Assembly constituency.	Shri Jiva Rajkhowa, Lathowpathar, P.O. Naoboicha, Lakhimpur, Assam.		-do-
27. -do-	117-Lahowal Assembly constituency.	Shri Punaram Das, Sanipatia Gaon, P.O. Mohanbari, Dist. Dibrugarh, Assam.		-do-
28. -do-	-do-	Shri Brojesh Mishra, Niz Kanai Gaon, P.O. Nagaghuli Kanai Gaon, Lahowal, Dist. Dibrugarh, Assam.		-do-

[No. 76/AS/96]

By Order,  
K. J. RAO, Secy.